

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT
for the
Middle District of Pennsylvania

FILED
SCRANTON

AUG - 4 2023

PER [Signature]
DEPUTY CLERK

Anthony Ravan Ruffin
Petitioner

v.

Case No. _____
(Supplied by Clerk of Court)

Warden Christensen
Respondent

(name of warden or authorized person having custody of petitioner)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Anthony Ravan Ruffin
(b) Other names you have used: Ray
2. Place of confinement:
(a) Name of institution: United States Penitentiary Allenwood
(b) Address: P.O. Box 3000 White Deer, Pa. 17887
(c) Your identification number: 25605-056
3. Are you currently being held on orders by:
☒ Federal authorities ☐ State authorities ☐ Other - explain: _____
4. Are you currently:
☐ A pretrial detainee (waiting for trial on criminal charges)
☒ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: Easter District of North Carolina Federal Court, and Middle District of N.C. Federal Court
(b) Docket number of criminal case: 4:06-CR-74-1F AND 1:08-CR-304-1
(c) Date of sentencing: 4/15/09 And 12/9/10
☐ Being held on an immigration charge
☐ Other (explain): _____

Decision or Action You Are Challenging

5. What are you challenging in this petition:

- ☒ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)
- ☐ Pretrial detention
- ☐ Immigration detention
- ☐ Detainer
- ☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
- ☐ Disciplinary proceedings
- ☐ Other (explain): _____

6. Provide more information about the decision or action you are challenging:

- (a) Name and location of the agency or court: United States Penitentiary Allenwood
- (b) Docket number, case number, or opinion number: Appeal No. : 1164904-F1
- (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed): _____
- (d) Date of the decision or action: 6/28/23

Your Earlier Challenges of the Decision or Action7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☒ Yes ☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: USP Allenwood - Informal Resolution(2) Date of filing: 6/5/23(3) Docket number, case number, or opinion number: N/A(4) Result: Denied(5) Date of result: 6/5/23

(6) Issues raised: I signed an FRP contract agreeing to pay \$100 per month without reviewing my account history and I want it back at \$25 per quarter as it has been for the past 12 years.

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

(b) If you answered "No," explain why you did not appeal:

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☒ Yes☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: Warden Christensen(2) Date of filing: 6-12-23(3) Docket number, case number, or opinion number: 1164904-F1(4) Result: Denied(5) Date of result: 6-28-23(6) Issues raised: That my FRP installment schedule had been increased 1,200% despite my trust account deposits have not increased 1,200%. Requested that my IFRP installment payment be adjusted back to \$25 per quarter as it has been for the past 12 years prior to arriving at USP Allenwood.

(b) If you answered "No," explain why you did not file a second appeal:

N/A9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: N/A(2) Date of filing: N/A(3) Docket number, case number, or opinion number: N/A(4) Result: N/A(5) Date of result: N/A(6) Issues raised: N/A

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

(b) If you answered "No," explain why you did not file a third appeal:

Because it is this specific institution at issue, not the Region. The Regional Office Counsel is for a 3rd Appeal.

10. Motion under 28 U.S.C. § 2255

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes☐ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes☐ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____
- _____
- _____
- _____
- _____
- _____
- _____

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☐ Yes

☒ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: _____
- (b) Date of the removal or reinstatement order: _____
- (c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes

☐ No

If "Yes," provide:

- (1) Date of filing: _____
- (2) Case number: _____
- (3) Result: _____
- (4) Date of result: _____
- (5) Issues raised: _____
- _____
- _____
- _____
- _____

- (d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes

☐ No

If "Yes," provide:

- (1) Name of court: _____
- (2) Date of filing: _____
- (3) Case number: _____

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application: _____

(b) Name of the authority, agency, or court: _____

(c) Date of filing: _____

(d) Docket number, case number, or opinion number: _____

(e) Result: _____

(f) Date of result: _____

(g) Issues raised: _____

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

GROUND ONE: Due Process of the Law - The fixing of restitution Payments is a judicial act that may not be delegated and the plain language of 3664(f) contradicts and overrides the federal regulation permitting the Bureau of Prisons to make payment schedules for Testitution through IFRP, 28 CFR § 545.10-11 u.s.v. Coates 178 F.3d 681 (3rd Cir. 1999)

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

(a) Supporting facts (Be brief. Do not cite cases or law.):

USP Allenwood increased my IFRP payment schedule 1,200% and I have not had a 1,200% increase in my account deposits.

(See Attached Memorandum in Support)

(b) Did you present Ground One in all appeals that were available to you?

☒ Yes☐ No**GROUND TWO: Due Process**

United States v. Gunning, 401 F.3d 1145, 1150 (9th Cir. 2005)
Impermissible delegation of authority from the District Court onto the Bureau of Prisons.

(a) Supporting facts (Be brief. Do not cite cases or law.):

The restitution order failed to provide a payment schedule during the period of my incarceration. The authority delegated to the BOP to set my payment installment schedule is impermissible.
(See Attached Restitution Letter from AUSA)

(b) Did you present Ground Two in all appeals that were available to you?

☒ Yes☐ No**GROUND THREE: United States v. Overholt, 307.3d 1231, 1255 (10th Cir 2002) Impermissible delegation of authority, Due Process Violation**

(a) Supporting facts (Be brief. Do not cite cases or law.):

The restitution order directed that restitution be paid in full immediately, and any amount not paid immediately shall be paid while in custody. It is impermissible to delegate my payment schedule authority to the IFRP through the Bureau of Prisons.
(See Attached Restitution Letter from AUSA)

(b) Did you present Ground Three in all appeals that were available to you?

☒ Yes☐ No

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

GROUND FOUR: Due Process Violation -
Edward Robinson v. B.M. Trate, 2023 U.S. Dist. LEXIS
94611 (E.D. Calif. May 31 2023)

(a) Supporting facts (Be brief. Do not cite cases or law.):

The BOP is punishing me for not paying an increased restitution payment that they unjustly increased 1,200% through the IFRP instead of placing me on IFRP EXEMPT status unless and until a proper restitution schedule has been set by my sentencing court. I respectfully refused to pay \$300 per quarter when I had been paying \$25 per quarter for the past 12 years.

(b) Did you present Ground Four in all appeals that were available to you?

☒ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

Request for Relief

15. State exactly what you want the court to do: Adjust my IFRP payment back
to \$25 per quarter as it has been for the past 12 years.
Also, arrange my installment schedule so that I pay
\$150 per month upon my release.

AO 242 (12/11) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

July 5th 2023

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date:

July 5th 2023


Signature of Petitioner

Signature of Attorney or other authorized person, if any

Anthony Ravon Ruffin
United States Penitentiary Allenwood
P.O. Box 3000
White Deer, Pa. 17887



FM/cc

Mailed From US Penitentiary

RECEIVED
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AUG 3 12023

AUG 04 2023

PER

DEPUTY CLERK

Office of the Clerk
United States District Court
P.O. Box 1148
Scranton, Pa 18501

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